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8 Attorneys for the United States of America

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13  
14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 BENJAMIN GUILLORY,  
18 ALYSSA WILKISON,

19 Defendants.

No. CR 3-11-71256 TJB

STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING HEARING FROM  
DECEMBER 15, 2011 TO DECEMBER 29,  
2011

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21 This case is scheduled for an arraignment or preliminary hearing on December 15, 2011.  
22 The parties have made progress negotiating potential pre-indictment resolutions but have not yet  
23 reached a complete resolution on the case. The parties believe that continued discussions are in  
24 the interests of the defendant and the government. A continuance of the scheduled hearing will  
25 allow the parties enough time to review and confer on discovery and come to a resolution on the  
26 case. The time is required for the effective preparation and continuity of defense counsel in  
27 representation of the defendants.  
28

STIP. AND ORDER  
CR 3-11-71256 TJB

**FILED**

DEC 14 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 The parties hereby jointly and respectfully request that the Court continue this matter to  
2 Thursday, December 29, 2011 at 9:30 a.m., before the duty Magistrate Judge for a preliminary  
3 hearing.

4 The parties further stipulate that pursuant to Federal Rule of Criminal Procedure (FRCP)  
5 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from December 15, 2011 through  
6 December 29, 2011. The parties agree that – taking into account the public interest in prompt  
7 disposition of criminal cases – good cause exists for this extension. Defendant also agrees to  
8 exclude for this period of time any time limits applicable under Title 18, United States Code,  
9 Section 3161. The parties represent that granting the continuance is the reasonable time  
10 necessary for continuity of defense counsel and effective preparation of defense counsel, taking  
11 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also  
12 agree that the ends of justice served by granting such a continuance outweighed the best interests  
13 of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

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15 SO STIPULATED:

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18 DATED: 12/13/2011

MELINDA HAAG  
United States Attorney

/s/ Derek Owens

DEREK OWENS  
Assistant United States Attorney

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21 DATED: 12/13/2011

/s/ Steven Kalar

STEVEN KALAR  
Attorney for Alyssa Wilkison

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23  
24 DATED: 12/13/2011

/s/ Jeffry Glenn

JEFFRY GLENN  
Attorney for Benjamin Guillory


25  
26 For the reasons stated above, the Court hereby vacates the December 15, 2011 hearing  
27 and continues it to Thursday, December 29, 2011 at 9:30 a.m., before the duty Magistrate Judge  
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STIP. AND ORDER  
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1 for a preliminary hearing. The Court further finds that an exclusion of time from December 15,  
2 2011 through December 29, 2011 is warranted and that the ends of justice served by the  
3 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18  
4 U.S.C. §3161 (h)(7)(A); FRCP 5.1(d). The failure to grant the requested continuance would  
5 deny the defendant of continuity of counsel and would deny defense counsel the reasonable time  
6 necessary for effective preparation, taking into account the exercise of due diligence, and would  
7 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(7)(B)(iv).

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9 SO ORDERED.

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11 DATED: Dec 14, 2011

  
THE HONORABLE ELIZABETH D. LAPORTE  
United States Magistrate Judge

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